

## **NOTICE AND AGENDA**

### **SUNNYVALE CITY COUNCIL TUESDAY, MARCH 9, 2010 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA**

#### **6 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

##### City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
  - a. Closed Session pursuant to Government Code Section 54956.8  
Conference with Real Property Negotiator  
Property: Sunnyvale Town Center Project  
Negotiating Parties: Sunnyvale Redevelopment Agency (Agency Director Gary Luebbers);  
Wachovia Bank  
Under Negotiation: Terms for Completion of Foreclosure Proceedings
4. Adjourn Special Meeting

#### **7 P.M. COUNCIL MEETING**

*Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.*

**CALL TO ORDER** - Call to order in the Council Chambers

**SALUTE TO THE FLAG**

**ROLL CALL**

*Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.*

**CLOSED SESSION REPORT FOR MARCH 9, 2010**

Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator

**SPECIAL ORDER OF THE DAY** – Boards and Commissions Oath of Office

**SPECIAL ORDER OF THE DAY** – Resolution Supporting the Children’s Bill of Rights

**PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

**CONSENT CALENDAR**

- 1.A. MOTION Approval of Council Meeting Minutes of February 23, 2010
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

**Fiscal Items**

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List No.  
RTC 10-058 493 and 494

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.D. MOTION Continuation of Supplemental Law Enforcement Funding  
RTC 10-064

Staff Recommendation: Appropriation of the full amount available from SLES into the City’s Supplemental Law Enforcement Sub-Fund to assist in funding one Public Safety Officer position in patrol operations.

Staff Contact: Lt. Jeffrey Hunter, (408) 730-7157

- 1.E. MOTION Approval of Budget Modification No. 24 to Appropriate Department of  
RTC 10-057 Homeland Security Training Funds

Staff Recommendation: Approve Budget Modification No. 24 to appropriate the SUASI monies for the 2009 Alameda County Urban Shield Exercises.

Staff Contact: Captain David Verbrugge, (408) 730-7189

- 1.F. RESOLUTION Stevens Creek Trail Planning Grants – Approval of Resolutions of  
RTC 10-059 Support

Staff Recommendation: Approve the Resolutions of Support for two grant funding opportunities stating the City’s understanding of the funding process and authorizing the City Manager to execute contracts and agreements should funding be awarded.

Staff Contact: Jack Witthaus (408) 730-7330

**Contracts**

- 1.G. MOTION Reject Bids for Vehicle Purchases  
RTC 10-060

Staff Recommendation: Reject all bids received in response to Invitation for Bids F0912-55, F09061-66 and F0901-69.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.H. MOTION Award of Contract for an Integrated Security Closed Circuit Television  
RTC 10-061 (CCTV) System for the Department of Public Safety (F0808-15)

Staff Recommendation: Award a contract in the amount of \$285,802, including applicable taxes to Johnson Controls, Inc. to provide and install an integrated closed circuit television system; and approve a project contingency in the amount of \$28,580.

Staff Contact: Pete Gonda, (408) 730-7418

### **Contracts: Sunnyvale Works!**

- 1.I. MOTION Award of Sunnyvale Works! Bid No. F0901-73 Pavement Slurry Seal and  
RTC 10-066 Approval of Budget Modification No. 25

Staff Recommendation: Award a contract in the amount of \$258,905 to Graham Contractors, Inc. for the subject project, and authorize the city manager to execute the contract when all necessary conditions have been met; approve a 10% project contingency in the amount of \$25,891; and approve Budget Modification No. 25 to provide additional funding for this project.

Staff Contact: Pete Gonda, (408) 730-7418

### **Other Items**

- 1.J. ORDINANCE Adoption of Ordinance No. 2915-10 Awarding Nonexclusive Franchise to  
2915-10 Jasraj Bhata (fka Bikram Singh), Owner of California Cab Company

Staff Recommendation: Approve second reading of Ordinance No. 2915-10

Staff Contact: David Kahn, City Attorney (408) 730-7464

- 1.K. ORDINANCE Adoption of Ordinance No. 2916-10 Amending Certain Sections of  
2916-10 Chapter 16.62 (Prevention of Flood Damage) of Title 16 (Buildings and  
Construction) of the Sunnyvale Municipal Code Relating to Floodplains

Staff Recommendation: Approve second reading of Ordinance No. 2916-10

Staff Contact: David Kahn, City Attorney (408) 730-7464

### **STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.*

### **PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

**PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Consider Strategies to Address the Rising Costs of the City's Pension  
RTC 10-066 Plans (Study Issue)

Staff Recommendation: Direct the city manager to pursue a two tier retirement plan and/or increased employee contribution for retirement costs with all bargaining units at the earliest opportunity for adoption in 2012, when all MOU's expire and adopt the joint Santa Clara County/Cities Managers' Association and San Mateo County City Managers Association "Policy Statement on Local Government Retirement Benefits."

Staff Contact: Grace Leung, (408) 730-2711

3. COUNCIL Discussion and Possible Action Regarding the Sale of Orchard Gardens  
DISCUSSION Houses

Contact: Mayor Melinda Hamilton, (408) 730-7473

4. MOTION Council Authorization to Sign the Modification to the Current Joint Funding  
RTC 10-054 Agreement to Transition to a Joint Powers Authority and to Sign the Joint Powers Agreement to Become a Member of the Silicon Valley Regional Interoperability Authority (SVRIA)

Staff Recommendation: Authorize the city manager to execute the First Amendment to the Second Amended Santa Clara County Data Communications Network Joint Funding Agreement (Attachment A) as well as the Joint Powers Agreement for the Silicon Valley Regional Interoperability Authority (Attachment B) with other Santa Clara County cities to update the current scope and authority of the Project.

Staff Contact: Captain Steve Drewniany, (408) 730-7165

5. MOTION 2009-0510 - BCI Sites for Clearwire [Applicant] Pacific Gas & Electric Co  
RTC 10-056 [Owner]: Appeal by the applicant of a decision of the Planning Commission denying a Use Permit to allow the installation of three panel antennas and three microwave dishes on existing lattice tower and cabinets, and denying a Variance application to allow an extension to the top of the existing lattice tower (approximately 6' extension) for a site located at 602 Weddell Drive (APN: 110-15-019) SL

Staff Recommendation: Grant the appeal and approve the Use Permit with conditions.

Staff Contact: Steve Lynch, (408) 730-2723

6. MOTION Ratification of National League of Cities Policy and Advocacy  
RTC 10-055 Committee Appointments and IGR Committee Appointment to the Santa Clara County VTA Bicycle and Pedestrian Advisory Committee

Staff Recommendation: Ratify the appointment of Councilmember Griffith to the National League of Cities Energy, Environment and Natural Resources and the Information Technology and Communication Policy and Advisory Committees, and Councilmember

Whittum to the National League of Cities Community and Economic Development Policy and Advocacy Committee, and appoint a representative to the VTA's Bicycle and Pedestrian Advisory Committee.  
Staff Contact: Yvette Blackford, (408) 730-7536

## **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 10-063 City-Owned Properties Adjacent to Orchard Gardens Park (Information Only)
- Study Session Summary of February 9, 2010 – Board and Commission Interviews
- Draft Minutes of the Arts Commission Meeting of February 17, 2010
- Draft Bicycle and Pedestrian Advisory Commission Meeting Minutes of February 18, 2010
- Draft Minutes of the Housing and Human Services Commission Meeting of February 24, 2010
- RTC 10-062 Opportunity for Council to appeal decisions of the Planning Commission of February 22, 2010 and the Administrative Hearing of February 24, 2010
- Follow-up to Council Study Issue: Limitations on Signage for Alcohol Sales (RTC 09-281)
- Follow-up to Council Action Allowing Donation Centers in the C-1 Zone (RTC 08-223)

## **ADJOURN TO THE FINANCING AUTHORITY**

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### **FINANCING AUTHORITY**

#### **ROLL CALL**

#### **PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

#### **CONSENT CALENDAR**

FA 1.A.	MOTION	Approval of Draft Minutes of Regular Meeting of April 28, 2009
FA 1.B.	RESOLUTION	Adopt a Resolution Setting the Time and Place of Regular
	FA 10-001	Sunnyvale Financing Authority Meetings

Staff Recommendation: Adopt the resolution setting the time and place of regular Sunnyvale Financing Authority Board Meetings.

Staff Contact: Tim Kirby, (408) 730-2712

#### **STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Agency meetings. Staff will not necessarily respond to all public comments.*

## **PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Agency Chair) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Agency members. If you wish to address the Agency, please complete a speaker card and give it to the agency clerk. Individuals are limited to one appearance during this section.*

## **ADJOURNMENT**

### **Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

## **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

### **Public Announcement – Beginning of Council Meeting**

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

### **Public Hearing – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

### **Planning a presentation for a City Council/Planning Commission meeting?**

To assist you in utilizing the technology available in the Council Chamber, the publication “*How to Make Your Council Chamber Presentation More Effective*” may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City’s Web site at <http://sunnyvale.ca.gov>.

### **Planning to present materials to Council?**

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

### **SCHEDULED COUNCIL MEETINGS**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>		<b>PLACE</b>
Mar. 9, 2010	Council Meeting	7	p.m.	Council Chambers
Mar. 23, 2010	Council Meeting	7	p.m.	Council Chambers
April 6, 2010	Council Meeting	7	p.m.	Council Chambers
April 27, 2010	Council Meeting	7	p.m.	Council Chambers

### **OTHER SCHEDULED MEETINGS**

March 8, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm
March 8, 2010	Planning Commission Public Hearing	8	p.m.	Council Chambers
March 10, 2010	Administrative Hearing	2	p.m.	West Conference Rm
Mar. 10, 2010	Parks and Recreation Commission - <b>Cancelled</b>	7	p.m.	Council Chambers
Mar. 11, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers
Mar. 17, 2010	Arts Commission	7	p.m.	Council Chambers
Mar. 18, 2010	Bicycle and Pedestrian Advisory Commission	6:30	p.m.	West Conference Rm
Mar. 22, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm
Mar. 22, 2010	Planning Commission Public Hearing	8	p.m.	Council Chambers
Mar. 24, 2010	Administrative Hearing	2	p.m.	West Conference Rm
Mar. 24, 2010	Housing & Human Services Commission	7	p.m.	West Conference Rm
April 5, 2010	Board of Library Trustees	7	p.m.	Library Program Rm A
April 7, 2010	Heritage Preservation Commission (Specia Meeting)	7	p.m.	West Conference Rm
April 12, 2010	Heritage Preservation Commission (Specia Meeting)	7	p.m.	West Conference Rm
April 12, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm
April 14, 2010	Planning Commission Public Hearing	8	p.m.	Council Chamber
April 14, 2010	Administrative Hearing	2	p.m.	West Conference Rm
April 14, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers
April 21, 2010	Arts Commission	7	p.m.	Council Chambers
April 26, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm
April 26, 2010	Planning Commission Public Hearing	8	p.m.	Council Chamber
April 28, 2010	Administrative Hearing	2	p.m.	West Conference Rm
April 28, 2010	Housing & Human Services Commission	7	p.m.	West Conference Rm

### **CHANNEL 15 – KSUN**

For a complete schedule of KSUN-15 broadcasts, visit [KSUN.inSunnyvale.com](http://KSUN.inSunnyvale.com)

Mar. 9, 2010	City Council Meeting – Live	7	p.m.
Mar. 10, 2010	City Council Meeting – Replay of Mar. 9, 2010	7	p.m.
Mar. 14, 2010	City Council Meeting – Replay of Mar. 9, 2010	4	p.m.
Mar. 23, 2010	City Council Meeting – Live	7	p.m.
Mar. 24, 2010	City Council Meeting – Replay of Mar. 23, 2010	7	p.m.
Mar. 28, 2010	City Council Meeting – Replay of Mar. 23, 2010	4	p.m.
April 6, 2010	City Council Meeting – Live	7	p.m.
April 7, 2010	City Council Meeting – Replay of April 6, 2010	7	p.m.
April 11, 2010	City Council Meeting – Replay of April 6, 2010	4	p.m.